

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

*NOTE: All documents filed in this matter must be identified by both
adversary and bankruptcy case numbers, case chapter and judge's initials*

In re: _____,
Debtor

_____,
Plaintiff

_____,
Defendant and Third-Party Plaintiff

_____,
Third-Party Defendant

Bankruptcy Case No. _____

Chapter _____

Adversary Proceeding No. _____

**THIRD-PARTY SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the third-party complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk:

**U.S. Bankruptcy Court
271 Cadman Plaza East
Room 1595
Brooklyn, New York 11201-1800**

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney: _____

At the same time, you must also serve a copy of the motion or answer upon Defendant and Third-Party Plaintiff's attorney.

Name and Address of Defendant and Third-Party Plaintiff's Attorney: _____

If you make a motion, your time to answer is governed by Fed.R. Bankr.P. 7012. If you are also being served with a copy of the complaint of the plaintiff, you have the option of not answering the plaintiff's complaint **unless** this is an admiralty or maritime action subject to the provisions of Fed R. Civ. P. 9(h) and 14(c), in which case you are required to file a motion or an answer to both the plaintiff's complaint and the third-party complaint, and to serve a copy of your motion or answer upon the appropriate parties.

YOU ARE NOTIFIED that a pretrial conference will be held at the following time and place:

U.S. Bankruptcy Court, 271 Cadman Plaza East, Room _____ **Date:** _____ **Time:** _____
Brooklyn, New York 11201

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE THIRD-PARTY COMPLAINT.

JOSEPH P. HURLEY, Clerk of Court

Date: _____

By: _____
Deputy Clerk

CERTIFICATE OF SERVICE

I, _____, certify that I am, and at all times during the
(name)
service of process was, not less than 18 years of age and not a party to the matter concerning which service of
process was made. I further certify that the service of this summons and a copy of the complaint was made
_____ by:
(date)

Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

Personal Service: by leaving the process with defendant or with an officer or agent of defendant at:

Residence Service: By leaving the process with the following adult at:

Publication: The defendant was served as follows: [Describe briefly]

State Law: The defendant was served pursuant to the laws of the State of _____,
as follows: [Describe briefly] (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____

Signature

Print Name		
<hr/>		
Business Address		
<hr/>		
City	State	Zip

UNITED STATES BANKRUPTCY COURT
Eastern District of New York

NOTICE OF ELECTRONIC FILING PROCEDURE

The following applies to all adversary proceedings filed on or after January 1, 2003.

The court's Electronic Case Filing ("ECF") system is accessible via the court's Internet site at www.nyeb.uscourts.gov. In compliance with Federal Rule of Civil Procedure 11 and the court's General Order on Electronic Filing Procedures ("General Order #473"), the attorney's initials, the last four digits of the attorney's social security number and the password assigned to the attorney by the court shall constitute the attorney's signature on any document filed electronically. Security of a password issued to an attorney is the attorney's responsibility. An original signed copy of all filings shall be maintained in the attorney's file in accordance with General Order #473.

All parties with legal representation must file documents by one of the following methods:

1. INTERNET (*Preferred Method*): The requirements for filing, viewing and retrieving case documents over the Internet are: A personal computer running a standard Windows platform (Windows 98/Me/NT/2000/XP); an Internet provider using Point to Point Protocol (PPP) for dial-up service, or offering DSL or cable service; Netscape Navigator software version 4.7x or higher or Microsoft Internet Explorer version 5.5 or higher; and software to convert documents from a word processing format (e.g., Corel WordPerfect or Microsoft Word) to portable document format (PDF). (If the word processing software you use does not contain a built-in conversion utility, you will need Adobe Acrobat, version 4.01 or higher.) ECF login is available at the court's Internet site at www.nyeb.uscourts.gov. Note that a password is needed to file documents directly into the system over the Internet. Please contact the court to obtain a password. In addition, a PACER login is needed to view or print documents from the system. A PACER login can be obtained by calling the PACER Service Center at 1-800-676-6856 or by visiting their Internet site at <http://pacer.psc.uscourts.gov>.

2. DISKETTE, PDF FORMAT: If you are not equipped or have not registered to file over the Internet, you must submit your documents on a diskette, in PDF format. Adobe Acrobat software will provide you with the ability to create documents in PDF format; additionally, word processing programs such as Corel WordPerfect and Microsoft Word include a built-in conversion utility. Use a separate diskette for each filing. Submit the diskette in an envelope with the case name, case number, type and title of the document, and the file name on the diskette.

3. DISKETTE, NON-PDF FORMAT: If you are unable either to file over the Internet or create documents in PDF format, you must submit your documents on a diskette in one of the following formats: Corel WordPerfect, Microsoft Word, DOS text(ASCII) or a scanned image of your filing. Use a separate diskette for each filing. Submit the diskette in an envelope with the case name, case number, type and title of the document, and the file name on the diskette.

Parties without legal representation may file documents in paper form, in accordance with procedures set forth in the court's Local Rules.